



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 44
AGENDA DATE: Thu 06/23/2005
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SUBJECT: Approve a resolution amending Resolution No. 991104-27 to clarify the City Council's statement of public purpose related to acquisition by eminent domain of the fee simple interest in Lot 5, Town and Country Village Addition, Section 4, Phase 1, Williamson County, Texas, generally located 750 feet west of Highway 183 North on the north side of Spicewood Springs Road, in Northwest Austin, Williamson County, Texas, owned by Nieman Properties, for the Spicewood Springs Library Expansion, because the parties have been unable to agree on an appropriate purchase price.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Anne Morgan**

FOR MORE INFORMATION CONTACT: Chester Beaver, Assistant City Attorney, 974-2317

PRIOR COUNCIL ACTION: Council approved Resolution 991104-27

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Resolution No. 991104-27 authorized the City Attorney to file a lawsuit in eminent domain to acquire fee simple interest in Lot 5, Town and Country Village Addition, Section 4, Phase 1, Williamson County, Texas, generally located 750 feet west of Highway 183 North on the north side of Spicewood Springs Road, in the City of Austin, Travis County, Texas. The property rights to be acquired in the proposed service are to be used to expand and improve a City public library. The proposed action clarifies the location of the intended public uses for the property interests to be acquired.

RESOLUTION NO. 20050623-

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of a certain real property interest as stated hereinafter for the purpose hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owner of that real property interest on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interest needed by the City, to acquire a certain real property interest at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Nieman Properties

Project: Spicewood Springs Branch Library Expansion Project

Intended Purpose: the fee simple interest in the property is necessary for expanding and improving a City of Austin public library facility

Location: approximately 750 feet west of Highway 183 North on the the north side of Spicewood Springs Road, Austin, Texas, please see attached field note.

ADOPTED: June 23, 2005 **ATTEST:** _____
Shirley A. Brown
City Clerk